

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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FELIPE ROBLES VASQUEZ p/k/a RALDY
VASQUEZ and CAMPESINO ENTERTAINMENT 06 Civ. 0619(CM)
GROUP, INC.,

Plaintiffs,

-against-

FERNANDO TORRES NEGRON, TAMARA
SOSA-PASCUAL and JULIO DE LA
ROSA-RIVE,

Defendants.

-----X

Affidavit In Opposition
To Defendant's Motion To Change
Venue Pursuant to 28 U.S.C. §1404(a)

BORSTEIN & SHEINBAUM
420 Lexington Avenue, Suite 2920
New York, New York 10170
Tel.: (212) 687-1600
Fax: (212) 687-8710

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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FELIPE ROBLES VASQUEZ p/k/a RALDY
VASQUEZ and CAMPESINO ENTERTAINMENT 06 Civ. 0619 (CM)
GROUP, INC.,

Plaintiffs,

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Affidavit In
Opposition

FERNANDO TORRES NEGRON, TOMARA
SOSA-PASCUAL and JULIO DE LA
ROSA-RIVE,

Defendants.

-----X

State of New York)

County of New York) ss.:

James B. Sheinbaum, being duly sworn, deposes and says:

1. I am a member of Borstein & Sheinbaum, attorneys for
Plaintiffs in the above captioned action, and am familiar with
the following facts and circumstances.

2. I submit this affidavit in opposition to the motion of
Defendant Fernando Torres-Negron seeking transfer of this action
to the United States District Court in Puerto Rico pursuant to 28
U.S.C. §1404(a). Dk. No. 16-18.

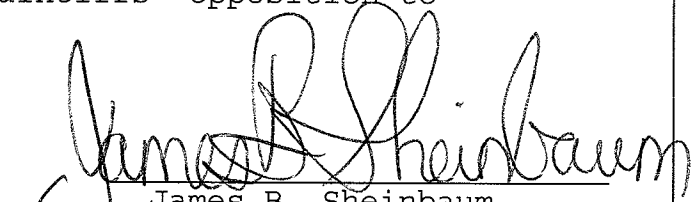
3. The following documents are attached as Exhibits:

<u>Exhibit Number</u>	<u>Description</u>
1	Final Partial Judgment in <u>Fernando Torres-Negron v. Antonio L. Rivera-Lopez, et al.</u> , 02 Civ. 1728 (HL) (D. Puerto Rico)
2	Plaintiffs' Rule 26 Initial Disclosures
3	Defendant Torres-Negron's Rule 26 Initial Disclosures
4	Initial Scheduling Conference Report dated February 15, 2006 in <u>Fernando Torres-Negron v. J&N Publishing et al.</u> , 05 Civ. 1216 (JAG) D. Puerto Rico)
5	Print out of Civil Docket For Case 3:05-cv-01216-JAG-JA

4. The Court is respectfully referred to Plaintiffs' accompanying Memorandum Of Law In Opposition To Defendant Fernando Torres-Negron's motion to transfer this action pursuant to 28 U.S.C. §1404(a) for the facts, circumstances, arguments and legal authorities supporting Plaintiffs' opposition to Defendant's motion.

Sworn to before me this
30th day of June, 2006


Notary Public


James B. Sheinbaum

TRACEY WHISNANT
Commissioner of Deeds
City of New York - No.4-5369
Certificate Filed in New York County
Commission Expires May 1, 2008

Exhibit 1

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

FERNANDO TORRES NEGRON,
Plaintiff

v.

Civil No. 02-1728 (HL)
Civil No. 02-1729 (HL)

ANTONIO L. RIVERA, ET AL.,
Defendants.

FINAL PARTIAL JUDGMENT

The Court having issued an Opinion and Order on today's date (Dkt. No. 488), "find[s] that there is no just reason for delay" in entering final partial judgment. *See* Fed.R.Civ.P. 54(b). Plaintiff Fernando Torres Negrón's severed claims as to the songs *Noche de Fiesta* and *Bebo por Ti* are wholly separable from his remaining claims concerning the song *Triste Final*. These severed claims are discrete and involve separate facts and legal issues from Plaintiff's claims for *Triste Final*. Moreover, partial judgment in this case will work no prejudice to any party and will promote judicial economy.

Accordingly, the Court hereby enters final partial judgment, pursuant to Fed.R.Civ.P. 54(b), dismissing Plaintiff Fernando Torres Negrón's claims regarding the musical works *Noche de Fiesta* and *Bebo Por Ti* against Defendant J & N Records and Defendant Antonio L. Rivera with prejudice and without the imposition of costs or attorneys' fees.

IT IS SO ORDERED.

San Juan, Puerto Rico, May 24, 2006.

S/ HECTOR M. LAFFITTE
United States District Judge

Exhibit 2

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
FELIPE ROBLES VASQUEZ p/k/a RALDY
VASQUEZ and CAMPESINO ENTERTAINMENT
GROUP, INC.,

06 Civ. 0619 (CM)

Plaintiffs,

-against-

Plaintiffs'
Fed.R.Civ.P.26(a)(1)
Initial Disclosures

FERNANDO TORRES NEGRON, et al.,

Defendants.

-----X

Plaintiffs Filipe Robles Vasquez ("Vasquez") and Campesino
Entertainment Group, Inc. ("Campesino") for their Initial
Disclosures pursuant to Fed.R.Civ.P. 26(a)(1) state:

(A) Names and known addresses and telephone numbers of
individuals with discoverable information that Plaintiffs may use
to support their claims unless solely for impeachment and
subjects of the information:

Filipe Robles Vasquez, Caretera La Isabela Residencial Irene
#17 Alto Arro Hondo 3ro Santo Domingo Dominican Republic
Telephone No. 809-440-4757.

Mr. Vasquez will be used by Plaintiffs to support the
claims. He will provide information concerning the creation and
writing of Nena Linda, the exploitation of Nena Linda, the

similarities between Nena Linda and Noche de Fiesta, the record and music industry, the administration agreement between Campesino and Vasquez.

Campesino Entertainment Group, Inc., 24 White Birch Dr. Pomona, N.Y. 10970 Telephone No. (845) 362-3960.

Campesino will be used by Plaintiffs to support the claims. It will provide information concerning the exploitation of Nena Linda, the record and music industry, the administration agreement between Campesino and Vasquez. The witness for Campesino is expected to be Marti Cuevas.

Fernando Torres Negrón ("Torres"), full address and telephone number unknown. Based upon filed court papers, he resides in Puerto Rico.

Torres will be used by Plaintiffs to support the claims. He will provide information concerning the creation of Noche de Fiesta, the exploitation of Noche de Fiesta, his relationship with ASCAP, royalties he received for exploitation of Noche de Fiesta, settlements and money paid pursuant to settlements concerning Noche de Fiesta, the copyrighting of Noche de Fiesta in the United States and Puerto Rico and the availability of Nena Linda in Puerto Rico prior to the writing of Noche de Fiesta.

Angel Fernandez, P.O. Box 230306, Queens, N.Y. 11423 Telephone No. (718) 740-3247.

Mr. Fernandez will be used by Plaintiffs to support the

claims. He will provide an opinion concerning the alleged infringement.

Corporate representative from Sony BMG Music Entertainment, 550 Madison Avenue, N.Y., N.Y. 10022 General Telephone Number (212) 833-9000. The representative will be used by Plaintiffs to support the claims. The representative will provide information about the settlement and payment to Torres for Noche de Fiesta.

Corporate representative from EMI-Latin, EMI Music Notrh America, 304 Park Avenue South, N.Y. 10010 General Telephone No. (212) 253-3100. The representative will be used by Plaintiffs to support the claims. The representative will provide information about the settlement and payment to Torres for Noche de Fiesta.

(B) Description and location of documents in Plaintiffs' custody that may be used in support of the claims not related solely to impeachment:

Applications for copyright (Plaintiffs' custody)

Filed Copyright certificates (Copyright Office and Plaintiffs' custody)

Deposit copies containing Noche de Fiesta (Copyright Office and Torres' custody)

Deposit copies containing Nena Linda (Copyright Office and Plaintiffs' custody)

Compact discs containing Noche de Fiesta (Federal District

Court Puerto Rico, Plaintiffs' custody and Torres' custody)

Compact disc and audio cassette containing Nena Linda
(Federal District Court Puerto Rico and a copy of Nena Linda in
Torres' and Vasquez's custody)

Transcripts of testimony of Torres at deposition and trial
(Federal District Court Puerto Rico and Plaintiffs' custody)

Trial exhibits of Torres humming and singing Noche de Fiesta
(Federal District Court District of Puerto Rico)

Trial exhibits of Vasquez humming Nena Linda (Federal
District Court District of Puerto Rico)

Statements of Torres under penalty of perjury concerning his
authorship of Noche de Fiesta (Federal District Court of Puerto
Rico - court filed documents)

Pleadings of Torres in federal court actions in which he
claims to be the author of Noche de Fiesta (Federal District
Court of Puerto Rico - court filed documents and Torres' custody)

Filings with in Puerto Rico by Torres claiming authorship of
Noche de Fiesta and Certificate issued based upon those filings
(Copyright Registry in Puerto Rico and Torres' custody)

Order and Decision of Judge Hector Laffitte dated May 24,
2006 (Federal District Court of Puerto Rico - court filed
document available on line at court site)

Final judgment dismissing copyright claim of Torres based
upon Noche de Fiesta (Federal District Court of Puerto Rico -

court filed document available on line at court site)

Settlement agreements concerning Noche de Fiesta (in Torres' possession and possession of SonyBMG and EMI-Latin, respectively)

Documents reflecting payments for use and/or exploitation of Noche de Fiesta (in Torres' possession, trial exhibits in Federal District Court Puerto Rico, SonyBMG and EMI-Latin)

ASCAP Contracts (ASCAP and Torres' possession)

ASCAP Statements (ASCAP and Torres' possession)

ASCAP Payments (ASCAP and Torres' possession)

Correspondence notifying Torres of Vasquez's copyright in Nena Linda and Campesino's rights as administrator of Nena Linda (Plaintiffs and Torres possession)

Administration Agreement between Vasquez and Campesino (Plaintiffs)

(C) Computation of Damages:

Actual damages and profits pursuant to 17 U.S.C. §504(b) and lost revenue: total amount of money received by and/or paid to Torres for use and/or exploitation of Noche de Fiesta from all sources. Upon information and belief, actual damages exceed \$130,000 based upon settlement payments (upon information and belief exceeding \$130,000 from SonyBMG and EMI-Latin), royalty payments to Torres (\$900 from Antonio Rivera) and, upon information and belief, in excess of \$500 from ASCAP.

Statutory damages under 17 U.S.C. §504(c): \$150,000 for each wilful copyright infringement.

Attorney's fees under 17 U.S.C. §505

Interest

Costs and disbursements of the action pursuant to Fed.R.Civ.P. 54(d) and 17 U.S.C. §505

Costs and expenses, including legal fees and expert reports and testimony, of proceedings to have Torres' copyright claims declared invalid and deleted from public records. See Fed.R.Civ.P. 54(d) and 17 U.S.C. §505

The documents supporting these computations are described in (B) above together with documentation of costs and expenses for attorney's fees and disbursements to be incurred hereafter.

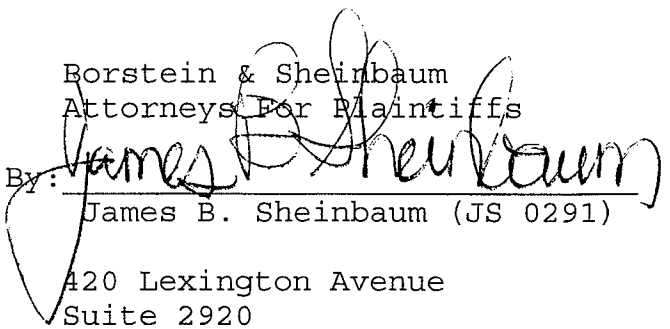
(D) To date, no claim has been interposed by Torres against Plaintiffs. Plaintiffs do not carry insurance covering their claims against Torres.

Dated: New York, New York

June 7, 2006

Borstein & Sheinbaum
Attorneys For Plaintiffs

By:


James B. Sheinbaum (JS 0291)

420 Lexington Avenue
Suite 2920
New York, New York 10170
(212) 687-1600

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIPE ROBLES VASQUEZ p/k/a RALDY
VASQUEZ and CAMPESINO ENTERTAINMENT
GROUP, INC.,

Plaintiff,

06 Civ. 0619 (CM)

v.

CERTIFICATE OF SERVICE

FERNANDO TORRES NEGRON, TOMARA
SOSA-PASCUAL and JULIO DE LA
ROSA-RIVE,

Defendants.

I HEREBY CERTIFY that on June 7, 2006, a true and correct copy of Plaintiffs' "Plaintiffs' Fed.R.Civ.P.26(a)(1) Initial Disclosures" was served on William R. Bennett, III, Esq., Defendants' attorney in this action, by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

William R. Bennett, Esq.
Bennett, Giuliano, McDonnell & Perrone, LLP
225 West 34th Street, Suite 402
New York, New York 10122
Fax No. (646) 328-0121

Dated: New York, New York
June 7, 2006

By: 

James B. Sheinbaum (JS 0291)

Borstein & Sheinbaum
Attorney for Plaintiffs
420 Lexington Avenue, Suite 2920
New York, NY 10170
Tel: (212) 687-1600

Exhibit 3

Bennett, Giuliano, McDonnell & Perrone, LLP
Attorneys for Defendant Fernando Torres-Negrón
225 West 34th Street, Suite 402
New York, New York 10122
Telephone: (646) 328-0120
Fax: (646) 328-0121
William R. Bennett, III (WB 1383)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FELIPE ROBLES VÁSQUEZ p/k/a RALDY
VÁSQUEZ and CAMPESINO MUSIC
ENTERTAINMENT GROUP, INC.,

NO. 06 CV 0619 (Mc Mahon)

Plaintiffs,

-against-

DEFENDANT'S
FED. R. CIV.P. 26(a)(1)
INITIAL DISCLOSURES

FERNANDO TORRES-NEGRÓN,

Defendants
-----X

Defendant Fernando Torres-Negrón, for his response to plaintiff's initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1), states as follows:

(A) Names and known addresses and telephone numbers of individuals with discoverable information:

Felipe Robles Vasquez, Caretera La Isabela Residencial Irene #17 Alto Arro Hondo, Santo Domingo, Dominican Republic Telephone No. 809-440-4757.

Marti Cuevas c/o Campesino Entertainment Group, Inc., 24 White Birch Dr. Pomona, N.Y. 10970, Telephone No. (845) 362-3960.

Fernando Torres-Negrón, Puerto Rico.

Corporate representative from Sony BMG Music Entertainment, 550 Madison Avenue, N.Y., N.Y. 10022, General Telephone Number (212) 833-9000.

Corporate representative from EMI-Latin, EMI Music North America, 304 Park Avenue South, N.Y. 10010, General Telephone No. (212) 253-3100.

(B) Description and location of documents in defendant's custody:

Deposit copies containing "Noche de Fiesta"

Compact discs containing "Noche de Fiesta "

Compact disc and audio cassette containing "Nena Linda "

Deposition and trial transcripts relating to testimony given in the action entitled Fernando Torres-Negrón v. Antonio Rivera, et al., Civ. No.s 02-1728; 02-1729 (HL)

Trial exhibits in the action entitled Fernando Torres-Negrón v. Antonio Rivera, et al., Civ. No.s 02-1728; 02-1729 (HL)

Statements

Pleadings in actions entitled Fernando Torres-Negrón v. Antonio Rivera, et al., Civ. No.s 02-1728; 02-1729 (HL) and Fernando Torres-Negrón v. J&N Publishing, Inc., Civ. No. 05-1216 (JAG)

Documents reflecting payments for use and/or exploitation of "Noche de Fiesta"

ASCAP Contracts

ASCAP Statements

ASCAP Payments

Correspondence notifying Torres of Vasquez's copyright in "Nena Linda" and Campesino's rights as administrator of Nena Linda

(C) Computation of Damages:

N/A

(D) Insurance

N/A

Dated: New York, New York
June 20, 2006

Bennett, Giuliano, McDonnell & Perrone, LLP
Attorneys for Defendant

A handwritten signature in dark ink, appearing to read 'William R. Bennett, III', is written over a horizontal line.

William R. Bennett, III
225 West 34th Street, Suite 402
New York, New York 10122
Telephone: (646) 328-0120

Z:\Documents\All Files\492 Campegino Ent\Pleadings\DefRespFilrfinDisc1-060806.doc

Exhibit 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

FERNANDO TORRES-NEGRÓN,

Plaintiff

v.

CIVIL 05-1216 (JAG)

J&N PUBLISHING, INC., et al.,

Defendants

INITIAL SCHEDULING CONFERENCE REPORT

At the conference held on February 3, 2006, plaintiff was represented by Julio de la Rosa Rivé, Esq., defendants by Herman Colberg-Guerra, Jorge Peirats and James B. Sheinbaum, Esqs.

Many of the factual issues in this case will be addressed in a parallel case being tried before Judge Laffitte. Resolution of that case will resolve many issues which are pending in this one and possibly help resolve the entire case. Parties will ask for a brief extension to comply with Rule 26 requirements.

At San Juan, Puerto Rico this 15th day of February, 2006.

S/ JUSTO ARENAS
Chief United States Magistrate Judge

Exhibit 5

OPENFILE

**United States District Court
District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:05-cv-01216-JAG-JA**

Torres-Negron v. J&N Publishing, Inc. et al
Assigned to: Judge Jay A Garcia-Gregory
Referred to: Chief Mag. Judge Justo Arenas
Demand: \$150,000
Cause: 17:101 Copyright Infringement

Date Filed: 02/28/2005
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Fernando Torres-Negron

represented by **Julio A. De la Rosa-Rive**
P.O. Box 16332
San Juan, PR 00908-6332
787-725-5574
Email: julrr@prw.net
TERMINATED: 05/22/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tamara S. Pascual
Pascual, Moran & Associates
PMB 137
1507 Ponce de Leon Ave
San Juan, PR 00909
787-722-4343
Fax: 787-722-4300
Email: tamara@pascualmoran.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

J&N Publishing, Inc.

represented by **PhV James B. Sheinbaum**
Borstein & Sheinbaum
420 Lexington Ave.
Suite 2920
New York, NY 10170
US
212-687-1600
Fax: 212-687-8710
Email: jshein2000@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Herman G. Colberg-Guerra
Pietrantonì Mendez & Alvarez
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ATTORNEY TO BE NOTICED

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787-274-4904
Fax: 787-274-1470
Email: jpeirats@pmalaw.com
ATTORNEY TO BE NOTICED

Defendant

J&N Records, Inc.

represented by **PhV James B. Sheinbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Herman G. Colberg-Guerra
(See above for address)
ATTORNEY TO BE NOTICED

Jorge I. Peirats
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

J&N Records Distirbutors, Inc.

represented by **PhV James B. Sheinbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Herman G. Colberg-Guerra
(See above for address)
ATTORNEY TO BE NOTICED

Jorge I. Peirats
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

J&N Distributor, Inc.

represented by **PhV James B. Sheinbaum**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Herman G. Colberg-Guerra
(See above for address)
ATTORNEY TO BE NOTICED

Jorge I. Peirats
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Juan Hidalgo

represented by **PhV James B. Sheinbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Herman G. Colberg-Guerra
(See above for address)
ATTORNEY TO BE NOTICED

Jorge I. Peirats
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Nelson Estevez

represented by **PhV James B. Sheinbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Herman G. Colberg-Guerra
(See above for address)
ATTORNEY TO BE NOTICED

Jorge I. Peirats
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Marti Cuevas

represented by **PhV James B. Sheinbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Herman G. Colberg-Guerra
(See above for address)
ATTORNEY TO BE NOTICED

Jorge I. Peirats
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

A-Z Corporations

Defendant

John Doe 05CV1216

Defendant

Jane Doe 05CV1216

Defendant

A-Z Insurance Companies.

Date Filed	#	Docket Text
02/28/2005	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 250.), filed by Fernando Torres-Negron. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> current address notice)(De la Rosa-Rive, Julio) (Entered: 03/02/2005)
05/17/2005	2	Summons Issued as to Nelson Estevez, Marti Cuevas, J&N Publishing, Inc., J&N Records, Inc., J&N Records Distirbutors, Inc., J&N Distributor, Inc., Juan Hidalgo.Service due by 9/14/2005. (jg,) (Entered: 05/18/2005)
05/26/2005	<u>3</u>	MOTION to Clarify <i>regarding service of summons</i> filed byJulio A. De la Rosa-Rive on behalf of Fernando Torres-Negron (De la Rosa-Rive, Julio) (Entered: 05/26/2005)
05/26/2005	4	ORDER granting <u>3</u> Motion to clarify. Plaintiffs shall return executed summonses by September 14, 2005. Signed by Judge Jay A Garcia-Gregory on 05/25/05. (mc,) (Entered: 05/26/2005)
07/13/2005	<u>5</u>	INFORMATIVE Motion regarding non response to waiverof summons filed byTamara S. Pascual on behalf of Fernando Torres-Negron (Pascual, Tamara) Modified on 7/18/2005 pdf signature does not match with attorney who filed the motion (jg,). (Entered: 07/13/2005)
07/13/2005	<u>6</u>	AMENDED COMPLAINT against all defendants, filed by Fernando Torres-Negron. Service due by 11/10/2005,(Pascual, Tamara) (Entered: 07/13/2005)
09/14/2005	<u>7</u>	MOTION for extension of time of 30 days to complete service of summons filed by Tamara S. Pascual on behalf of Fernando Torres-Negron Suggestions in opposition/response due by 9/27/2005 (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u>)(Pascual, Tamara) Modified on 9/16/2005 add docket text (jg,). (Entered: 09/14/2005)
09/15/2005	8	ORDER noted <u>5</u> INFORMATIVE motion, granting <u>7</u> Motion for

		extension of time. Service deadline October 17th, 2005 . Signed by Judge Jay A Garcia-Gregory on 9/15/05. (lr,) (Entered: 09/15/2005)
09/19/2005	<u>9</u>	SUMMONS Returned Executed by Fernando Torres-Negron upon Marti Cuevas served on 09/07/05, answer due 9/27/2005. (Pascual, Tamara) Modified on 9/20/2005 add docket text (jg,). (Entered: 09/19/2005)
09/19/2005	<u>10</u>	SUMMONS Returned Executed by Fernando Torres-Negron upon J&N Publishing, Inc. served on 9/8/2005, answer due 9/28/2005. (Pascual, Tamara) (Entered: 09/19/2005)
09/19/2005	<u>11</u>	SUMMONS Returned Executed by Fernando Torres-Negron upon J&N Distributor, Inc. served on 9/8/2005, answer due 9/28/2005. (Pascual, Tamara) (Entered: 09/19/2005)
09/19/2005	<u>12</u>	SUMMONS Returned Executed by Fernando Torres-Negron upon J&N Records, Inc. served on 9/8/2005, answer due 9/28/2005. (Pascual, Tamara) (Entered: 09/19/2005)
09/19/2005	<u>13</u>	SUMMONS Returned Executed by Fernando Torres-Negron upon J&N Records Distirbutors, Inc. served on 9/8/2005, answer due 9/28/2005. (Pascual, Tamara) (Entered: 09/19/2005)
09/26/2005	<u>14</u>	MOTION for Extension of Time until October 26, 2005 to File Answer <i>or Otherwise Plead</i> re: <u>1</u> Complaint filed by Fernando Torres-Negron, filed byHerman G. Colberg-Guerra on behalf of Nelson Estevez, Marti Cuevas, J&N Publishing, Inc., J&N Records, Inc., J&N Records Distirbutors, Inc., J&N Distributor, Inc., Juan Hidalgo Suggestions in opposition/response due by 10/11/2005 (Related document(s) <u>1</u>) (Colberg-Guerra, Herman) (Entered: 09/26/2005)
10/04/2005	<u>15</u>	ORDER granting <u>14</u> Motion for Extension of Time to Answer. Answer deadline due by 10/26/2005. Signed by Judge Jay A Garcia-Gregory on 10/04/05. (lr,) (Entered: 10/04/2005)
10/26/2005	<u>16</u>	ANSWER to Amended Complaint filed by Herman G. Colberg-Guerra on behalf of Defendant Marti Cuevas.(Colberg-Guerra, Herman) (Entered: 10/26/2005)
10/26/2005	<u>17</u>	ANSWER to Amended Complaint filed by Herman G. Colberg-Guerra on behalf of Defendant Nelson Estevez.(Colberg-Guerra, Herman) (Entered: 10/26/2005)
10/26/2005	<u>18</u>	ANSWER to Amended Complaint filed by Herman G. Colberg-Guerra on behalf of Defendant Juan Hidalgo.(Colberg-Guerra, Herman) (Entered: 10/26/2005)
10/26/2005	<u>19</u>	ANSWER to Amended Complaint filed by Herman G. Colberg-Guerra on behalf of Defendant J&N Distributor, Inc..(Colberg-Guerra, Herman) (Entered: 10/26/2005)
10/26/2005	<u>20</u>	ANSWER to Amended Complaint filed by Herman G. Colberg-Guerra on behalf of Defendant J&N Publishing, Inc..(Colberg-Guerra, Herman) (Entered: 10/26/2005)

10/26/2005	<u>21</u>	ANSWER to Amended Complaint filed by Herman G. Colberg-Guerra on behalf of Defendant J&N Records, Inc..(Colberg-Guerra, Herman) (Entered: 10/26/2005)
10/28/2005	<u>22</u>	SCHEDULING ORDER/CASE MANAGEMENT ORDER: Jury Trial set for 1/8/2007 09:30 AM before Judge Jay A Garcia-Gregory. Pretrial Conference and Settlement Conference set for 12/15/2006 10:00 AM before Judge Jay A Garcia-Gregory. Amended Pleadings due by 11/21/2005. Discovery due by 4/28/2006. Motions due by 8/28/2006. Proposed Pretrial Order due by 11/28/2006. . Signed by Judge Jay A Garcia-Gregory on 10/28/05. (jg,) (Entered: 10/28/2005)
10/28/2005	23	MEMORANDUM OF THE CLERK: Pursuant to Case Management Order of Judge Jay Garcia Gregory of October 28, 2005, (Docket entry #22), this case has been randomly assigned within the Case Assignment System to Honorable Justo Arenas, Chief US Magistrate Judge, for scheduling of an Initial Scheduling Conference. Signed by the Clerk on 10/28/2005. (be,) (Entered: 10/28/2005)
11/01/2005	24	Minute Entry for proceedings before Judge Justo Arenas : Set Hearings. Initial Scheduling Conference set for 2/3/2006 09:00 AM in JA's Chambers before Chief Mag. Judge Justo Arenas. (nydi,) (Entered: 11/01/2005)
11/09/2005		Filing Fee Received \$150.00, receipt number 159479 re:PHV James B. Sheinbaum.SUBMIT ATTORNEY REGISTRATION FORM FOR LOGIN AND PASSWORD. (ne,) (Entered: 11/09/2005)
11/10/2005	<u>25</u>	MOTION to Appear Pro Hac Vice Attorney James B. Sheinbaum filed byHerman G. Colberg-Guerra on behalf of J&N Publishing, Inc., J&N Records, Inc., J&N Records Distirbutors, Inc., J&N Distributor, Inc., Juan Hidalgo, Nelson Estevez, Marti Cuevas (jg,) Modified on 11/10/2005 add filers (jg,). (Entered: 11/10/2005)
11/10/2005	<u>26</u>	MOTION to dismiss <i>and or stay complaint</i> as to Fernando Torres-Negron filed byJorge I. Peirats on behalf of all defendants Suggestions in opposition/response due by 11/23/2005 (Peirats, Jorge) (Entered: 11/10/2005)
11/10/2005	<u>27</u>	OBJECTION <i>To Case Management Order</i> filed by all defendants Re: <u>22</u> Scheduling Order/Case Management Order, (Peirats, Jorge) (Entered: 11/10/2005)
11/22/2005	<u>28</u>	MOTION for Extension of Time until December 5, 2005 to File Response/Reply as to <u>26</u> MOTION to dismiss <i>and or stay complaint</i> as to Fernando Torres-Negron filed by A-Z Corporations,, A-Z Insurance Companies., J&N Publishing, Inc., J&N Records, Inc., J&N Records Distirbutors, Inc., J&N Distributor, Inc., Juan Hidalgo, Nelson Estevez,, Marti Cuevas,, John Doe 05CV1216,, Jane Doe 05CV1216,, <u>27</u> Objection to filed by A-Z Corporations,, A-Z Insurance Companies., J&N Publishing, Inc., J&N Records, Inc., J&N Records Distirbutors,

		Inc., J&N Distributor, Inc., Juan Hidalgo,, Nelson Estevez,, Marti Cuevas,, John Doe 05CV1216,, Jane Doe 05CV1216, filed byJulio A. De la Rosa-Rive on behalf of Fernando Torres-Negron Suggestions in opposition/response due by 12/5/2005 (Related document(s) <u>26</u> , <u>27</u>) (De la Rosa-Rive, Julio) (Entered: 11/22/2005)
11/23/2005	<u>29</u>	ORDER granting <u>28</u> Motion for Extension of Time to File Response/Reply as to <u>26</u> MOTION to dismiss and or stay complaint.Replies due by 12/5/2005. Signed by Judge Jay A Garcia-Gregory on 11/23/05. (lr,) (Entered: 11/23/2005)
11/28/2005	<u>30</u>	ORDER granting <u>25</u> Motion to Appear PHV, filed by James B. Sheinbaum. Signed by Judge Jay A Garcia-Gregory on 11/28/05. (lr,) (Entered: 11/28/2005)
12/05/2005	<u>31</u>	Final MOTION for extension of time until December 9, 2005 to file response filed byJulio A. De la Rosa-Rive on behalf of Fernando Torres-Negron Suggestions in opposition/response due by 12/19/2005 (De la Rosa-Rive, Julio) (Entered: 12/05/2005)
12/07/2005	<u>32</u>	ORDER granting <u>31</u> Motion for extension of time. Response due by 12/9/05 . Signed by Judge Jay A Garcia-Gregory on 12/7/05. (lr,) (Entered: 12/07/2005)
12/09/2005	<u>33</u>	RESPONSE in Opposition to Motion <i>to stay and to codefendants' objections to Case Management Order</i> filed by Fernando Torres-Negron Re: <u>26</u> MOTION to dismiss <i>and or stay complaint</i> as to Fernando Torres-Negron filed by A-Z Corporations,, A-Z Insurance Companies,, J&N Publishing, Inc., J&N Records, Inc., J&N Records Distirbutors, Inc., J&N Distributor, Inc., Juan Hidalgo,, Nelson Estevez,, Marti Cuevas,, John Doe 05CV1216,, Jane Doe 05CV1216,, <u>27</u> Objection to filed by A-Z Corporations,, A-Z Insurance Companies,, J&N Publishing, Inc., J&N Records, Inc., J&N Records Distirbutors, Inc., J&N Distributor, Inc., Juan Hidalgo,, Nelson Estevez,, Marti Cuevas,, John Doe 05CV1216,, Jane Doe 05CV1216, (De la Rosa-Rive, Julio) (Entered: 12/09/2005)
12/13/2005	<u>34</u>	ORDER denying <u>26</u> Motion to Dismiss or Stay. Parties shall abide by the deadlines set by the Court in the <u>22</u> Case Management Order. Signed by Judge Jay A Garcia-Gregory on 12/13/05. (lr,) (Entered: 12/13/2005)
01/12/2006	<u>35</u>	MOTION for Sanctions <i>for defendants' refusal to abide by the Case Management Order</i> as to J&N Publishing, Inc. filed byJulio A. De la Rosa-Rive on behalf of Fernando Torres-Negron Suggestions in opposition/response due by 1/25/2006 (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(De la Rosa-Rive, Julio) (Entered: 01/12/2006)
01/13/2006	<u>36</u>	Memorandum in Opposition to Motion <i>For Sanctions</i> filed by all defendants Re: <u>35</u> MOTION for Sanctions <i>for defendants' refusal to abide by the Case Management Order</i> as to J&N Publishing, Inc. filed by Fernando Torres-Negron, (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B) (Peirats, Jorge) (Entered: 01/13/2006)
01/16/2006	<u>37</u>	Motion In Compliance <i>with Case Management Order</i> filed byJulio A. De

		la Rosa-Rive on behalf of Fernando Torres-Negron (De la Rosa-Rive, Julio) (Entered: 01/16/2006)
01/17/2006	38	ORDER denying <u>35</u> MOTION for Sanctions for defendants' refusal to abide by the Case Management Order. The Court reasserts the mandatory nature of the schedule set in the CMO. However, plaintiff fails to show, to this Court's satisfaction, that he has made a reasonable and good-faith effort to reach an agreement with opposing counsel before setting forth this discovery dispute. See Local Rule 26(b). Parties are thus expected not only to strictly comply with deadlines, but also to work together in order to expedite the resolution of the matter at bar. Each side shall bear its own costs . Signed by Judge Jay A Garcia-Gregory on 1/17/06. (lr,) (Entered: 01/17/2006)
02/15/2006	<u>39</u>	Minute Entry for proceedings held before Judge Justo Arenas : Scheduling Conference held on 2/3/2006. (nydi,) (Entered: 02/15/2006)
04/07/2006	40	ORDER noted <u>37</u> Motion In Compliance . Signed by Judge Jay A Garcia-Gregory on 4/7/06. (lr,) (Entered: 04/07/2006)
05/22/2006	<u>41</u>	MOTION to Withdraw <i>Legal Representation</i> filed byJulio A. De la Rosa-Rive on behalf of Fernando Torres-Negron (De la Rosa-Rive, Julio) (Entered: 05/22/2006)
05/22/2006	42	ORDER granting <u>41</u> Motion to Withdraw . Signed by Judge Jay A Garcia-Gregory on 5/22/06. (lr,) (Entered: 05/22/2006)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIPE ROBLES VASQUEZ p/k/a RALDY
VASQUEZ and CAMPELINO ENTERTAINMENT
GROUP, INC.,

Plaintiff,

.06 Civ. 0619 (CM)

v.

CERTIFICATE OF SERVICE

FERNANDO TORRES NEGRON, TOMARA
SOSA-PASCUAL and JULIO DE LA
ROSA-RIVE,

Defendants.

I HEREBY CERTIFY that on June 30 2006, a true and correct copy of Plaintiffs' "Affidavit in Opposition to Defendant's Motion To Change Venue Pursuant to 28 U.S.C. §1404(a)" was served on William R. Bennett, III, Esq., Defendants' attorney in this action, via facsimile:

William R. Bennett, Esq.
Bennett, Giuliano, McDonnell & Perrone, LLP
225 West 34th Street, Suite 402
New York, New York 10122
Fax No. (646) 328-0121

Dated: New York, New York
June 30, 2006

By

James B. Sheinbaum (JS 0291)

Borstein & Sheinbaum
Attorney for Plaintiffs
420 Lexington Avenue, Suite 2920
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